

ORDER RECEIVED FOR FILING

By *Don S. Bohnet*

TO: PETITION FOR ZONING VARIANCE
NE/S Delrey Avenue, 65' SE of
the c/l of Lavonia Place
(11 Delrey Avenue)
1st Election District
1st Councilmanic District
Don S. Bohnet, et al
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-555-A

ENDINGS OF FACT A CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 7 feet in lieu of the required 10 feet for an existing house located on proposed lot "A", and a rear yard setback of 20 feet in lieu of the required 30 feet for proposed lot "B" as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Don Bohnet, appeared and testified. There were no intervenors.

Testimony indicated that the subject property, known as 11 Delrey Avenue, consists of 13,492 sq. ft. zoned O.B. 5.5 and is improved with a two-story single family dwelling approximately 100 years of age. Petitioners propose subdividing the subject property thereby creating two building lots. Proposed lot A would contain 7,146 sq. ft. more or less and the existing dwelling, and Proposed lot B would contain 6,346 sq. ft. more or less. Testimony presented indicated that both lots would contain the minimum area requirement for a 6,000 sq. ft. building lot and would be in keeping with the majority of the lots in the neighborhood. Further testimony indicated the variance requested would not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Com-

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missioner the relief requested sufficiently complies with the requirements of Section 107 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THHEREFORE, IT IS ORDERED by the deputy Zoning Commissioner for Baltimore County this 26th day of July, 1989 that the Petition for Zoning Variance to permit a side yard setback of 7 feet in lieu of the required 10 feet for an existing dwelling on Proposed Lot A, and a rear yard setback of 20 feet in lieu of the required 30 feet for Proposed Lot B, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not request any further variances for Proposed Lot B.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

| NAME | ADDRESS |
|----------------------|-------------------------|
| <i>Don S. Bohnet</i> | <i>11 Delrey Avenue</i> |
| <i>Mary P. Kahoe</i> | <i>11 Delrey Avenue</i> |

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 23, 19 89

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 22, 19 89.

CATONSVILLE TIMES
THE JEFFERSONIAN,

S. Zake
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. on Thursday, July 13, 1989 at 2:00 p.m.
Petition for Zoning Variance
Case Number: 89-555-A
NE/S of Delrey Avenue, 65' SE of c/l of Lavonia Place
1st Election District - 1st Councilmanic District
Petitioners: Don S. Bohnet, et al
Personnel: Don S. Bohnet, et al
Hearing Date: Thursday, July 13, 1989 at 2:00 p.m.
Variance: To permit a side yard setback of 7 ft. instead of the required 10 ft. for an existing house located on Proposed Lot A, and rear yard setback of 20 ft. in lieu of 30 ft.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
CJ 636 June 22

PO 13545
ry M 30964
ca 89-555-A
pued \$ 64.69

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted for: variance Date of Posting: June 21, 1989
Petitioner: Don S. Bohnet
Location of property: NE/S of Delrey Avenue, SE of c/l of Lavonia Place, 1st Election District, Baltimore County
Location of Signs: 11 Delrey Avenue
Remarks:
Posted by: J. Robert Haines Signature: J. Robert Haines Date of return: June 21, 1989
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: June 22, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-555-A
Item No. 450
Re: Don S. Bohnet, et al

The Petitioner request a variance to permit a side yard setback of 7 feet in lieu of the required 10 feet and a rear yard setback of 20 feet in lieu of the required 30 feet in order to create a new building lot. In reference to this request, staff offers no comment.

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

July 26, 1989

Mr. Don S. Bohnet
11 Delrey Avenue
Catonsville, Maryland 21228

RE: PETITION FOR ZONING VARIANCE
NE/S Delrey Avenue, 65' SE of the c/l of Lavonia Place
(11 Delrey Avenue)
1st Election District - 1st Councilmanic District
Don S. Bohnet, et al - Petitioners
Case No. 89-555-A

Dear Mr. Bohnet:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

June 6, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-555-A
NE/S of Delrey Avenue, 65' SE of c/l of Lavonia Place
11 Delrey Avenue
1st Election District - 1st Councilmanic
Petitioners: Don S. Bohnet, et al
HEARING SCHEDULED: THURSDAY, JULY 13, 1989 at 2:00 p.m.

Variance: To permit a side yard setback of 7 ft. instead of the required 10 ft. for an existing house located on Proposed Lot "A" and a rear yard setback of 20 ft. in lieu of 30 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

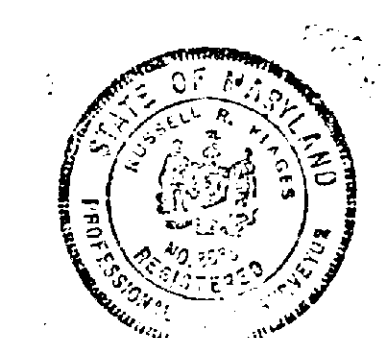
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Don S. Bohnet, et al
File

ZONING DESCRIPTION
1st ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning on the northeast side of Delrey Avenue, 50 feet wide, at a distance of 65 feet southeasterly from the centerline of Lavonia Place, being lots 127, 128, 129 and the northernmost half of lot 126 in the subdivision of East Catonsville, Plat Book C.W.D. No. 1, Folio 215. Also known as #11 Delrey Avenue
Containing 13,492 square feet or 0.310 of an acre of land, more or less.

This description is intended for zoning purposes only and not for the conveyance of title.

Russell R. Klages
Russell R. Klages
Registered Land Surveyor
Maryland #8693
April 4, 1989



In order to establish two separate building lots, two separate deeds will be established. The two deeds will be available at the time of the hearing. One deed will represent Lot "A", formerly lot 129 and 128 minus 3 feet from the southernmost portion of lot 126. The second deed will be for Lot "B", formerly the northernmost half of lot 126, lot 127, and 3 feet of the southernmost part of lot 125.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

Date: 6/27/89

Bridget L. Bohnet
Don S. Bohnet
Mary P. Kahoe
11 Delrey Avenue
Catonsville, Maryland 21228

Re: Petition for Zoning Variance
CASE NUMBER: 89-555-A
HEARING SCHEDULED: THURSDAY, JULY 13, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 73.69 is due for advertising and printing of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the time it is posted by this office until the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE UNDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 Fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

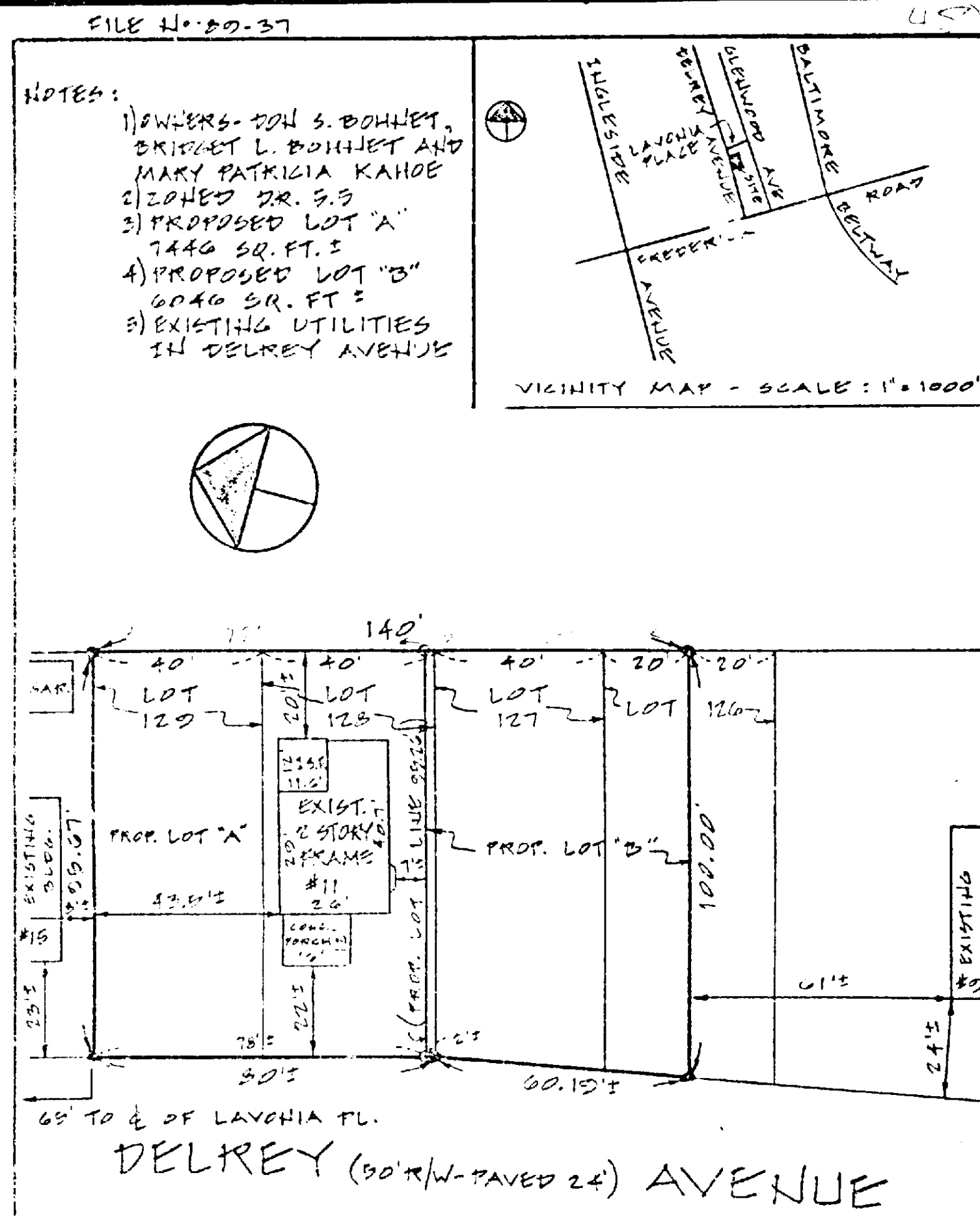
DATE: 7/27/89 ACCOUNT: 89-555-A

AMOUNT: \$ 73.69

RECEIVED FROM: Don S. Bohnet

FOR: 11 Delrey Avenue

VALIDATION ON SIGNATURE OF CASHIER
J. Robert Haines



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 22, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

066

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. Don S. Bohnet
11 Delrey Ave.
Catonsville, MD 21228

Re: Item No. 450, Case No. 89-555-A
Petitioner: Don S. Bohnet, et al
Petition for Zoning Variance

Dear Mr. & Mrs. Bohnet:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JAMES E. DYER, IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

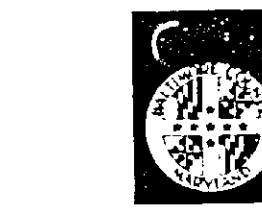
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

June 6, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 449, 450, 451, 452, 453, 455, 456, 457, 458, and 459.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer Assoc. II

NSF/LW

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4300
Paul H. Reincke
Chief



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: Don S. Bohnet, et ux & Mary P. Kahoe

Location: NE/S of Delrey Ave., SE of centerline of Lavenia Place

Item No.: 450

Zoning Agenda: May 2, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *James E. Dyer* Noted and Approved: *Capt. Tom Dwyer*
Planning Group Fire Prevention Bureau
Special Inspection Division

RECEIVED
MAY 1 1989

ZONING OFFICE

89-555-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
2nd day of May, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Don S. Bohnet, et al Received by: James E. Dyer
Petitioner's Attorney: Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 12, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for May 2, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 449, 450, 452, 455, 456, 457, 459.

For items 451 and 453 the previous County Review Group comments are still valid.

Comments are attached for item 458.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Encl.